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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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11/283,699

11/22/2005

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09432.0035-00

6265

60668 7590 10/09/2013
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EXAMINER

CASANOVA, JORGE A

ART UNIT

PAPER NUMBER

2159

MAIL DATE

DELIVERY MODE

10/09/2013

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte UDO KLEIN and DETLEF PIUERNPER

Appeal 2011-001895
Application 11/283,699
Technology Center 2100

Before DEBRA K. STEPHENS, LYNNE E. PETTIGREW, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-6, 8-14, 16-18, and 20. We have jurisdiction under 35 U.S.C. § 6(b). Claims 7, 15, and 19 have been cancelled. We AFFIRM.

STATEMENT OF THE CASE

Appellants' invention relates to managing updates to time-constrained data contained in a database. Abstract.

Claim 1 is illustrative:

1. A computer-implemented method for managing updates to time-constrained data using a software application, the method comprising:

receiving a set of multiple updates submitted simultaneously by a user via a client interface the set of multiple updates being to a plurality of related records contained in a database;

determining whether the multiple updates are consistent with an applied time constraint, wherein the applied time constraint governs temporal relationships between the related records and is selected from one of the group consisting of (i) overlaps are not allowed between the related records; (ii) gaps are not allowed between the related records; and (iii) neither gaps nor overlaps are allowed between the related records;

determining whether at least one of the multiple updates determined to be inconsistent can be made consistent with the applied time constraint by performing one of extending, truncating, or re-ordering and, if so, modifying such at least one of the multiple updates to make them consistent with the applied time constraint; and

updating the set of time-constrained records with the multiple updates that are consistent with the applied time constraint; wherein the number of records existing after implementing the consistent multiple updates is consistent with the number of records existing before implementation of the multiple updates without requiring pre-ordering of the multiple updates by the client, such that insertion of one record increases the total number of records by one, deletion of one record decreases the total number of records by one, and modifying an existing record does not change the number of existing records.

EVIDENCE CONSIDERED

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Louis	U.S. 2004/0083238 A1	Apr. 29, 2004
Klein	U.S. 2005/0050012 A1	Mar. 3, 2005
Stokes	U.S. 7,213,040 B1	May 1, 2007

Appellants' Admitted Prior Art ("AAPA"). Spec. ¶ 002.

REJECTIONS

Claims 1-3, 6, 8, 9, 11, 14, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes and AAPA. Ans. 4-10.

Claims 4, 5, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes, AAPA, and Klein. Ans. 10-14.

Claims 12, 13, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stokes, AAPA, and Louis. Ans. 15-18.

ISSUES

Claims 1-6, 8-10, 12-14, 16, 18, and 20

Did the Examiner err in finding that Stokes teaches "receiving a set of multiple updates submitted simultaneously by a user via a client interface the set of multiple updates being to a plurality of related records contained in a database," as recited in independent claim 1, and commensurately recited in independent claims 14 and 18?

Claims 11 and 17

Did the Examiner err in finding that Stokes teaches "transmitting the multiple updates to a sequencing adaptor configured to translate the multiple

updates submitted by the client into a command sequence,” as recited in claim 11, and commensurately recited in claim 17?

ANALYSIS

We have reviewed the Examiner’s rejection in light of Appellants’ arguments that the Examiner has erred. We disagree with Appellants’ conclusion (App. Br. 16).

Claims 1-6, 8-10, 12-14, 16, 18, and 20

We are not persuaded by Appellants’ arguments that nothing in Stokes discloses a user simultaneously submitting a set of multiple updates to related database records, but rather the user interactions of Stokes occur one-at-a-time (App. Br. 12). As the Examiner correctly finds, Stokes teaches the disputed limitation by describing an event list manager that retrieves as many events as will fit into a message, returning “more than one event at a time to event consumer 155” (Ans. 19 (citing Stokes col. 4, ll. 44-50); *see also* Ans. 4).

Appellants argue that the Examiner’s finding is based on an interpretation of “user” that is inconsistent with Appellants’ Specification and other language in claim 1. Reply Br. 2-3. Appellants argue that the claim term “user” should be interpreted as limited to a human because: (1) Appellants’ Specification states that a user provides input through a user interface via a keyboard or a mouse (Reply Br. 2 (citing Spec. ¶¶ 64, 69)); (2) Appellants’ Specification describes a user as an “individual” and notes that information is displayed, for example, a “monitor may echo the input of a user” (Reply Br. 3 (citing Spec. ¶¶ 72, 73)); and (3) other language of

claim 1, specifically “via a client interface,” imparts Appellants’ proposed meaning (Reply Br. 3 (citing Spec. ¶¶ 58, 59; Figs. 6, 7)).

First, we are not persuaded that Appellants identify a nonobvious distinction. We note “it is well settled that it is not ‘invention’ to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result.” *In re Venner*, 262 F.2d 91, 95 (CCPA 1958) (citation omitted); *see also Leapfrog Enterprises, Inc. v. Fisher Price, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007).

Additionally, we agree with the Examiner’s broad, but reasonable, interpretation of the term “user” to include a computer or computer process, in addition to a human (Ans. 20). The USPTO gives claims their broadest reasonable interpretation consistent with the specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). Appellants have not provided sufficient argument or evidence to persuade us that Appellants’ Specification explicitly defines the term “user” to be limited to a human or that the Examiner’s interpretation is in error.

Regarding Appellants’ argument that other language of claim 1 imparts Appellants’ proposed meaning, Appellants have not provided sufficient argument or evidence to persuade us that Appellants’ Specification explicitly defines the term “client” to be limited to a human. Therefore, we also are not persuaded that recitation of “via a client interface” in claim 1 requires that the term “user” be limited to a human.

Thus, Appellants have not persuaded us of error in the Examiner’s rejection of independent claims 1, 14, and 18 under 35 U.S.C. § 103(a), and dependent claims 2-6, 8-10, 12, 13, 16, and 20, not separately argued (App.

Br. 14). Accordingly, we sustain the 35 U.S.C. § 103(a) rejection of claims 1-6, 8-10, 12-14, 16, 18, and 20.

Claims 11 and 17

We are not persuaded by Appellants' arguments that the Examiner's rejection fails at least because obviousness rejections "cannot be sustained by mere conclusory statements, [but] instead, there must be some articulated reasoning with rational underpinning. . . ." (App. Br. 15 (citation omitted)). As the Examiner correctly finds, Stokes as modified by AAPA teaches all of the elements of claims 11 and 17 (Ans. 9, 10). For example, Stokes describes making multiple updates to a database and these updates have a sequence, such as SQL (Ans. 21). Additionally, the Examiner has articulated reasoning with a rational underpinning as to why one of ordinary skill in the art would combine the technique of AAPA into the system of Stokes (Ans. 7).

Thus, Appellants have not persuaded us of error in the Examiner's rejection of claims 11 and 17 under 35 U.S.C. § 103(a). Accordingly, we sustain the 35 U.S.C. § 103(a) rejection of claims 11 and 17.

DECISION

We affirm the Examiner's rejection of claims 1-6, 8-14, 16-18, and 20 under 35 U.S.C. § 103(a).

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

Appeal 2011-001895
Application 11/283,699

AFFIRMED

ELD